

Pursuant to Local Rule 7.1(b), WFC Holdings Corp. (“Plaintiff”), by its attorneys, herein moves for an order excluding the expert reports and proposed testimony of two of Defendant’s principal experts, Professor Douglas J. Skinner and Professor Oliver D. Hart, and one of its rebuttal experts, Professor Walter N. Torous on the following grounds:

1. Professor Douglas J. Skinner fails the relevancy requirement of Rule 702 of the Federal Rules of Evidence because his limited opinion will not help the Court determine any facts or issues in this case;

2. Professor Oliver D. Hart lacks the necessary qualifications to support his opinions because he is not an expert in contract or corporate law, nor is he an expert in calculating the costs of implementing contract or corporate transactions; further, he fails the reliability requirement of Rule 702 because his analysis relies solely on speculation regarding the cost comparison that is the basis of his opinion;

3. Professor Walter N. Torous fails the reliability requirement of Rule 702 because the methodology on which his ultimate opinions are based is inconsistent with the methodology that he testified should have been used, and purportedly was used, to derive his opinions.

A memorandum of law in support of the within motion is filed contemporaneously herewith.

WHEREFORE, Plaintiff requests that the Court grant Plaintiff's Motion in Limine with respect to all three proposed experts. In the alternative, Plaintiff requests that the Court grant its Motion with respect to any of such experts whom the Court determines have failed to satisfy the requirements of Rule 702 to be permitted to testify at trial.

Dated: October 16, 2009.

Respectfully submitted

/s/ Philip Karter

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